

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES -- GENERAL

Case No. **CV 17-4632-JFW (PJWx)**

Date: August 14, 2017

Title: Gordon Richardson -v- Select Portfolio Servicing, Inc., et al.

PRESENT:

HONORABLE JOHN F. WALTER, UNITED STATES DISTRICT JUDGE

Shannon Reilly
Courtroom Deputy

None Present
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:

None

ATTORNEYS PRESENT FOR DEFENDANTS:

None

PROCEEDINGS (In Chambers): ORDER GRANTING DEFENDANTS SELECT PORTFOLIO SERVICING, INC. AND U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE'S MOTION TO DISMISS COMPLAINT FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED [filed 7/25/2017; Docket No. 21]

On July 25, 2017, Defendants Select Portfolio Servicing, Inc. ("SPS") and U.S. Bank National Association, as Trustee, Successor in Interest to Bank of America, National Association as Successor By Merger to LaSalle Bank National Association, as Trustee for Certificateholders of Bear Stearns Asset Backed Securities I LLC, Asset Backed Certificate Series 2005-FR1 (erroneously sued as "U.S. National Bank Association, as Trustee") ("U.S. Bank.", and collectively with SPS, "Defendants") filed a Motion to Dismiss Complaint for Failure to State a Claim Upon Which Relief Can Be Granted ("Motion to Dismiss"). Plaintiff Gordon Richardson ("Plaintiff") did not file an Opposition. Pursuant to Rule 78 of the Federal Rules of Civil Procedure and Local Rule 7-15, the Court finds that this matter is appropriate for decision without oral argument. The hearing calendared for August 28, 2017 is hereby vacated and the matter taken off calendar. After considering the moving papers, and the arguments therein, the Court rules as follows:

Pursuant to Local Rule 7-9, Plaintiff was required to file and serve his Opposition or Notice of Non-Opposition "not later than twenty-one (21) days before the date designated for the hearing of the motion," or August 7, 2017. See Local Rule 7-9. Local Rule 7-12 provides that "[t]he failure to file any required document, or the failure to file it within the deadline, may be deemed consent to the granting . . . of the motion." See Local Rule 7-12. Plaintiff has failed to file an Opposition to Defendants' Motion to Dismiss on or before August 7, 2017. Pursuant to Local Rule 7-12, the Court deems Plaintiff's failure to file an Opposition or to otherwise comply with Local Rule 7-9 as consent to the granting of Defendants' Motion to Dismiss.

Accordingly, Defendants' Motion to Dismiss is **GRANTED**. Plaintiff's Complaint against Defendants is **DISMISSED with prejudice**.

IT IS SO ORDERED.